

COUNTY OF




ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

ACHD POLICY AND PROCEDURE

ACHD Policy 137
**ANTI DISCRIMINATION-
HARASSMENT-
RETALIATION POLICY
AND COMPLAINT AND
REPORT PROCEDURE**

Effective: 05/04/05

Approved By: 
Karen Hacker, MD, MPH

Revised: 08/1/16

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PURPOSE: To provide and maintain a working environment free from all forms of discrimination, harassment, retaliation, and to provide an appeal process for employees.

POLICY:

A. EQUAL EMPLOYMENT OPPORTUNITY

The Allegheny County Health Department is an equal opportunity employer. It is the policy of the Health Department that employees and applicants shall receive consideration and treatment consistent with all equal employment opportunity laws in all terms and conditions of work and the pre-employment process. The Health Department does not discriminate against anyone on the basis of race, color, religion, national origin, gender, age (40 and over), or disability, or on any other basis protected by Federal or State law.

The Allegheny County Health Department strives to provide a work environment which promotes respect and provides an opportunity for each employee to develop to his or her full potential. Illegal discrimination, harassment and retaliation are strictly prohibited, not only because they violate the law, but also because they are contrary to the Health Department's interest in attracting, retaining and promoting the most talented, effective and dedicated employees.



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT

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The Health Department has an internal Complaint and Report procedure, described below in Section C to address and resolve complaints of discrimination, retaliation and harassment. Utilize this procedure if you believe this policy has been violated.

1. Discrimination is Prohibited

The Health Department requires that employees be treated as individuals, on the basis of qualifications, skills, abilities, conduct and performance. Discrimination on account of any status protected by law, including but not limited to those identified in Section A, is prohibited. This policy applies to all employment practices, including recruitment, hiring, evaluation, promotion, transfer, discipline and termination, as well as to all forms of compensation and benefits.

All personnel are required to comply with this policy, including the Complaint and Report Procedure in Section C. All personnel must behave in a non-discriminatory and business-like manner in all dealings with co-workers and all non-employees of the Health Department contacted in the course of employment.

2. Harassment is Prohibited

Additionally, this policy prohibits harassment in the workplace. The Health Department takes allegations of harassment seriously and will investigate promptly reports and complaints of prohibited harassment. If it is determined that inappropriate conduct has occurred, the Health Department will take corrective and remedial action appropriate to the situation.

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a. Sexual Harassment is Prohibited

Sexual harassment in the workplace or in other work-related settings is illegal and is prohibited by this policy. Sexual harassment is typically defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- * submission to that conduct is made explicitly or implicitly a term or condition of employment; or
- * submission to or rejection of that conduct is used as a basis for employment decisions; or
- * an individual's work performance is affected by creating an intimidating, hostile or offensive work environment.

Under the definition given above, sexual harassment includes a request by a supervisor for sexual favors in exchange for a favorable job action (such as a good review, a salary increase or promotion) or in exchange for avoiding unfavorable job action (such as demotion, discipline or discharge). Any such request is strictly prohibited, and will result in disciplinary action or discharge, without other warning. If any supervisor or manager makes any such direct or implied request to you, report it at once as described under the Complaint and Report Procedure in Section C.

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Any unwelcome and/or offensive conduct, whether deemed illegal or not, by anyone towards another including someone of the same gender is prohibited by this policy.

b. Other Types of Harassment are Prohibited

Not all harassment is sexual. This policy also prohibits verbal or physical harassment of any person because of his or her race, color, religion, ancestry, national origin, gender, age (40 and over), disability or other protected status or exercise of legal rights, including the right to report violations of this policy, where such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Any such conduct, whether deemed illegal or not, is prohibited by this policy.

3. Retaliation is Prohibited

The Health Department also forbids retaliation against employees because they have properly exercised their legal rights (such as the right to a leave of absence from work granted by the Family and Medical Leave Act or the right to file a complaint with a government agency), or because they have reported any violation of this policy or otherwise have opposed, in a non-disruptive manner, actions they reasonably believe to constitute unlawful discrimination, retaliation or harassment.

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It is a violation of this policy for any employee who learns of any report, complaint or investigation pursuant to this policy to retaliate against the person who made the report, or against anyone involved in the investigation, on the basis of his or her good faith use of the Complaint and Report Procedure in Section C or on the basis of his or her cooperation in the investigation.

B. CONSEQUENCES OF VIOLATING THIS POLICY

Illegal discrimination, harassment, or retaliation is strictly prohibited. If you violate this policy or any equal opportunity law, you will be subject to disciplinary action, up to and including discharge, without other warning. Also, you may incur legal liability and be held personally responsible.

C. COMPLAINT/REPORT PROCEDURE


Under this policy, all employees share responsibility for ensuring that the workplace is free from all forms of harassment, discrimination and retaliation. If you believe that this policy has been violated, report the problem immediately using the Complaint and Report Procedure. Make your report of the situation to:

your Supervisor OR the Personnel Officer of the Health Department

OR

the Allegheny County Health Director

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D. MANAGEMENT RESPONSIBILITIES

Management must comply with and enforce all aspects of this policy and must cooperate fully in the Health Department's investigative, remedial and corrective actions. Management is required to act on all reports of harassment even when a request is made by the employee that no action be taken. Management must not interfere or attempt to interfere with or prevent any employee's effort to make a complaint or report under this policy. Failure by any management to comply with these responsibilities is a violation of this policy and will result in disciplinary action, up to and including discharge, without other warning. A supervisor who violates this policy also may be held personally liable for money damages.

E. EMPLOYEE RESPONSIBILITIES

All employees must comply with this policy and are encouraged to report any violation of this policy as provided under the Complaint and Report Procedure in Section C. All employees are required to cooperate fully in any preventative, investigative, remedial and corrective actions taken by the Health Department. The Health Department is required to act on all reports of harassment even when a request is made by the employee that no action be taken. Failure to fulfill these responsibilities is a violation of this policy. Any false allegations may result in disciplinary action, up to and including discharge, without other warning.

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F. INVESTIGATION OF REPORTS AND COMPLAINTS

All reports of harassment, discrimination and retaliation made pursuant to this policy will be investigated promptly. Such investigations are to be conducted by or under the direction of the Director of the Health Department. All such investigations will be conducted in as confidential a manner as is consistent with a proper investigation and to the extent practical under the circumstances. The Health Department's investigation typically will include, but is not limited to, private interviews with the person(s) who made the report, with any witnesses and with the person(s) alleged to have violated this policy. When the investigation has been completed, the Health Department will, to the extent appropriate, inform the person(s) who made the report and the person(s) alleged to have violated this policy of the results of the investigation. The Health Department also may inform other appropriate persons, such as those involved in taking corrective or remedial action.

G. CORRECTIVE AND REMEDIAL ACTION

If it is determined that a violation of this policy or of the law or other inappropriate conduct has occurred, the Health Department will take actions appropriate under the circumstances to address and correct the misconduct and to otherwise remedy the situation. Remedial action is intended to prevent future violations and to undo the effects of the violation of this policy and will vary depending on the situation. Disciplinary action for any violation of this policy may range from counseling and/or training to discharge, and may include any other form of corrective action the Health Department deems to be appropriate under the circumstances.

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H. APPEAL

An employee who does not agree with the results of the investigation may file an appeal with the Allegheny County Board of Health within thirty (30) calendar days from notification of the results of the investigation. The employee must state in writing his/her reason why they disagree with the results. The appeal is to be submitted to the Board through the Allegheny County Health Director.

I. FEDERAL AND STATE LAWS

Federal and State laws prohibit illegal discrimination, harassment and retaliation. If you believe that you have been subjected to illegal discrimination, harassment or retaliation and you are dissatisfied with the Health Department's response to your complaint or otherwise wish to do so, you may file a charge of discrimination with any of the following agencies within the respective time frames:

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Pennsylvania Human Relations Commission
Pittsburgh Regional Office
11th Floor State Office Building
Pittsburgh PA 15222
412-565-5395

Filing Time Frame:

Up to 180 days from date of alleged occurrence

Equal Employment Opportunity Commission
Pittsburgh Regional Office
Federal Building
1000 Liberty Avenue
Pittsburgh PA 15222
412-644-3444

Filing Time Frame:

Up to 300 days from date of alleged occurrence

Office of Federal Contract Compliance
U.S. Department of Labor
1000 Liberty Avenue
Pittsburgh PA 15222
412-395-6300

Filing Time Frame:

Up to 180 days from date of alleged occurrence


Note: Only if contractor receives Federal funds

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J. QUESTIONS

Any questions concerning this policy should be directed to:

Director, Allegheny County Health Department
542 Fourth Avenue
Pittsburgh PA 15219
412-578-8008